

Remarks

Applicants have cancelled claims 1-37, 45-50, 63-73, 88-90, 98-100 and 102-186 without prejudice to pursuing these claims in a continuing application. Applicants have amended claims 38-41 and 211. Thus, the pending claims after amendment are: 38-43 and 187-213.

The amendments were made to remove the objection made against claims 38-43, namely that they depended from a rejected base claim, and to correct typographical errors (claims 41 and 211). The amended claims having amended dependencies incorporate all limitations of the claims from which they formerly depended. No new matter has been added.

Applicants note with appreciation the allowance of claims 187-213.

Information Disclosure Statement

Applicants enclose herewith a copy of the previously-filed PTO-1449 form that properly cited the journal articles indicated by the Examiner (C22, C26, and C28).

Drawings

Applicants submit herewith corrected formal drawings, **Figs. 4, 6, 7, 8, 9, 10 and 15** in accordance with the draftsman's review reported on the PTO-948 form mailed with the restriction requirement of September 28, 2001.

Claim Objections

The Examiner has objected to claims 38-43 because the claims depended from a rejected base claim (claim 1). Applicants have corrected this by amending claims 38 and 40 to be independent, incorporating all of the limitations of the base claim and any intervening dependent claims. Accordingly, Applicants believe these claims are in condition for allowance.

Claim Rejections Under 35 U.S.C. § 102

The Examiner has rejected claims 1, 8-12, 17-18, 23, and 27-30 under 35 U.S.C. § 102(e) as being anticipated by Kaplan et al. (US patent 6,329,566). Applicants have canceled the rejected claims, and thus respectfully request reconsideration and withdrawal of the rejection of claims 1, 8-12, 17-18, 23, and 27-30 under 35 U.S.C. § 102(e) as moot.

Claim Rejections Under 35 U.S.C. §103

The Examiner has rejected claims 1, 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Kaplan et al. (US patent 6,329,566), in view of Applicants' alleged admission of a non-visual detection system available from Union Biometrica.

Applicants have canceled these claims, and thus respectfully request reconsideration and withdrawal of the rejection of claims 1, 19 and 20 under 35 U.S.C. § 103(a) as moot.

The Examiner has rejected claims 1, 10, 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Kaplan et al. (US patent 6,329,566), in view of Kerr et al. (West Coast Worm Meeting, Abstract 77, 1998).

Applicants have canceled these claims, and thus respectfully request reconsideration and withdrawal of the rejection of claims 1, 10, 12 and 13 under 35 U.S.C. § 103(a) as moot.

The Examiner has rejected claims 1, 10, 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Kaplan et al. (US patent 6,329,566), in view of Miyawaki et al. (Nature 388:882-887, 1997).

Applicants have canceled these claims, and thus respectfully request reconsideration and withdrawal of the rejection of claims 1, 10, 12 and 13 under 35 U.S.C. § 103(a) as moot.

The Examiner has rejected claims 1, 23-26 and 36-37 under 35 U.S.C. § 103(a) as being unpatentable over Kaplan et al. (US patent 6,329,566), in view of Rand (Methods in Cell Biology 48, 1995), taken with Miwa et al. (U.S. Patent No. 4,444,981).

Applicants have canceled these claims, and thus respectfully request reconsideration and withdrawal of the rejection of claims 1, 23-26 and 36-37 under 35 U.S.C. § 103(a) as moot.

Double Patenting Rejection

The Examiner made a provisional rejection of claim 1 under the doctrine of obviousness-type double patenting as unpatentable over claim 1 of copending application 09/549,872 in view of Kaplan et al. (US patent 6,329,566).

Applicants have canceled claim 1, and thus respectfully request reconsideration and withdrawal of the double patenting rejection of as moot.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Verwaerde, et al., Applicant


John R. Van Amsterdam, Reg. No. 40,212
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210
Telephone: (617) 720-3500

Docket No. D00590.70005.US

Date: January 3, 2002

x01/03/03

MARKED-UP CLAIMS

38. (twice amended) A method of identifying chemical substances which have potential pharmacological activity using nematode worms, which method comprises the steps of:

(a) dispensing substantially equal numbers of nematode worms into each of the wells of a multi-well assay plate;

(b) contacting the nematode worms with a chemical substance;

(c) detecting a signal indicating phenotypic, physiological, behavioral, or biochemical changes in the nematode worms using non-visual detection means;

wherein step (a) is performed in a multi-well plate with liquid assay medium containing a water soluble polymer at a concentration sufficient to increase the viscosity of the medium;

[The method as claimed in claim 37] wherein the water soluble polymer is medium viscosity carboxymethyl cellulose.

39. (thrice amended) The method as claimed in claim [36] 38 wherein the concentration of water soluble polymer in the liquid medium is 0.3%.

40. (four times amended) A method of identifying chemical substances which have potential pharmacological activity using nematode worms, which method comprises the steps of:

(a) dispensing substantially equal numbers of nematode worms into each of the wells of a multi-well assay plate;

(b) contacting the nematode worms with a chemical substance;

(c) detecting a signal indicating phenotypic, physiological, behavioral, or biochemical changes in the nematode worms using non-visual detection means;

[The method as claimed in claim 1] wherein step (a) is performed in a multi-well plate with liquid assay medium containing a water soluble polymer at a concentration sufficient to prevent the nematode worms from sticking to the wells of the multi-well plate.

41. (thrice amended) The method as claimed in claim 40 wherein the water soluble polymer is [poethylene] polyethylene glycol, polyvinyl alcohol, or polyvinylpyrrolidone.

211. (amended) The method as claimed in claim 210 wherein the water soluble polymer is [poethylene] polyethylene glycol, polyvinyl alcohol, or polyvinylpyrrolidone.